

#13

Mark Martens
3258 Peace Valley Lane
Falls Church
VA 22044
Sunday, April 11, 2004

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APR 14 2004

OFFICE OF PETITIONS

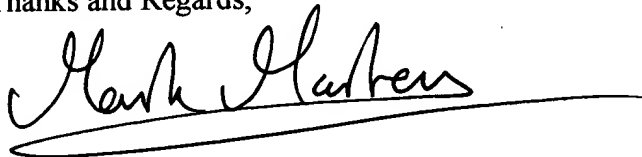
Mail Stop PETITION

Application No: 09/933,576

I apologize for including the incorrect fee with my previously submitted request to revive the above-identified application. I am enclosing a copy of your letter for your reference.

Please accept the enclosed check for the balance of the required fee (\$15) and reconsider the petition filed under 37 CFR 1.137(b) on February 26, 2004.

Thanks and Regards,

A handwritten signature in cursive script, appearing to read "Mark Martens", is written over a horizontal line.

Mark Martens
Inventor

04/15/2004 AKELLEY 00000035 09933576

01 FC:1999

15.00 OP



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Paper No. 12

Mark Martens
3258 Peace Valley Lane
Falls Church, VA 22044

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MAR 18 2004

OFFICE OF PETITIONS

In re Application of
Marc MARTENS
Application No. 09/933,576
Filed: August 21, 2001
Attorney Docket No. none (pro se)

DECISION
ON PETITION
CFR 1.137(b)

This is a decision on the petition under 37 CFR 1.137(b), filed February 26, 2004, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D).

The instant petition lacks item (2): the proper petition fee to revive unintentionally abandoned application as per 37 CFR 1.17(m). The Small Entity Fee is \$665.00, however Applicant remitted by check only \$650.00.

A proper response to this communication would consist of remitting the balance payment of \$15.00, together with a written request to reconsider the petition filed under 37CFR 1.137(b) on February 26, 2004.

Further correspondence with respect to this matter should be addressed as follows:

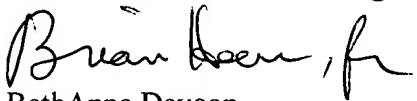
By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Window located at:

2011 South Clark Place
Crystal Plaza Two Lobby
Room 1B03
Arlington, VA 22202

Central Fax: (703) 746-3258
ATTN: Office of Petitions

Any questions concerning this matter may be directed to Ehud Gartenberg at (703) 305-4066 or, in his absence, to the undersigned at (703) 308-3865.



BethAnne Dayoan
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy